

England's Grandeur Recover'd:

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Proper Remedy To Restore Her Ancient Grandeur and Policy.

Humbly Presented
By James Whiston.

What Captain and Mariners, when they find the Ship driven by a violent Hurricane among the Rocks, full of Leaks, and much Disabled, will be so Obstinate of the Consequence of such Fatal Circumstances, as not to Use their Own, and Embrace the good Endeavours of Others, for their Preservation? The only Means of Hope left, whereby Themselves and Ship may at last be Conducted into a safe Harbour.

L O N D O N :

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England's *Calamities Discovered*: ✓
 WITH THE
Proper Remedy
 TO RESTORE
Her Antient Grandeur and Policy.

IT is not unknown to the World what a difficult Task is here undertaken; and we may, without pretence to the Gift of Prophecy, foretell how many, and what sort of Enemies an honest Man is to grapple with, in defence of this one Useful, and Unquestion'd Principle, viz.

That every happy Government must be Supported by just Means; and that State which has been so far Mistaken in it's Politicks, as to practice a contrary Method, has always drawn upon it self its own Ruin and Destruction.

AND upon this Observation it has been Granted in all Ages, That a Throne that would Flourish, must be established in *Righteousness*: but we never heard of any that has been long supported by *Iniquity*: For Iniquity its self must be obliged to Justice; or at least, to those that fill the Seats of Justice, for it's Support and Maintenance. And where the execution of *this* fails, all Combinations or Societies of Men, however formed, naturally fall into Disorder and Dissolution.

NOW since neither the Apprehension of Enemies, the Power or Malice of Men, who have by any means wriggled themselves into the pretended Service of the Government, nor the Difficulty of the Undertaking, which is to beget in Mankind a belief of such Truths and Qualities as this corrupt Age has hardly Virtue enough to put in Practice, ought to deter a true *Englishman* from laying open, as occasion serves, those Mischiefs and Miscarriages, which, if not timely prevented, will Overwhelm us: I thought it an indispensable Duty, to give these fresh Testimonies of Love to my Country, and Allegiance to King *WILLIAM*, by rendering both Inexcusable, when the Consequential Miseries of the Abuses, and Corruptions here complain'd of, shall have reduced us to a too late Repentance.

A chief Means for the Preservation of a State or Government in good Order is, That particular Care be taken not to Stifle and Discouragement, but Admit and Cherish the just Impeachments, and reasonable Accusations (which are the unquestionable Right of the Subject) against those, who being bias'd by Ambition, Avarice or Pride, shall either contrary to Law, or by *Evasion* and corrupt practice of the Law, seek to invade and destroy their Liberties Properties, and Native Rights.

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THE want of a due, and impartial Administration of Justice in this Particular, has been the grand Cause of all the Cruelty, Oppression and Extortion that have so often interrupted the publick Peace, and now hang over the Nation as a severe Judgment.

I wou'd not be misunderstood, as if I intended to fill the Kingdom with perpetual Clamours and Informations, and design'd to open a wide door of Access for every little *Whiffler* to allarm the Magistrates Quiet with petty vexatious Complaints, and malicious Suggestions. I abhor that sort of Cattle, and the indulging them, as much as any Man alive. But it is Unjust in it self, and of fatal Consequence to a Government, to Reproach and Stigmatize every honest Man with the scandal of Common Informer, who out of a true sense of his Duty, and an unbiass'd Zeal for his King and Country, shall endeavour to detect the wicked Practices of such, who by corruptly abusing the Honourable Employments they are intrusted with, directly strike at the Life and Happiness of both. I say such Informations as these ought to be assisted with the Encouragement of the Magistrate, especially if the Complaints are grounded upon reasonable Evidence, or even upon probable Suspicion : Except they will tell us they have made such good Provision afore-hand, to supply the Executive part of the Government with honest and able Officers, that it is morally impossible for a Man in Office, to act against his Conscience, or betray his Trust for Money. This wou'd be good News indeed, and at once discharge the People of their Complaints and Fears, and ease his Majesty of the greatest part of his Care and Danger.

B U T, alas! our present Circumstances afford us apparent Reasons to believe the contrary; and the Evils and Disasters that have continually attended us, take away the very pretence, or umbrage of any Excuse whatever. This is too visible to be denied, when the disposal of Trust and Power, in too many places in the Government, is set to Sale to the highest *Bidder*; or what is as bad, bestow'd upon *Favourites*, or private *Minis* *ns*, tho' never so Unqualified; many Offices being only to be obtain'd by Money: Which infamous Practice intails these two fatal Calamities upon the Nation, the very Source and Spring of unavoidable Mischief and Disorder. For by this means, many Persons, utterly incapable of discharging the Duty of the Employments they hold, by virtue of a strong *Purse*, tho' never so weak *Capacity*, are admitted into such part of the Public Administration, where this *Ignorance* and *Inability* render them wholly Unserviceable, and consequently *Trust* notoriously Mis-managed, to the Governments irreparable Prejudice.

A N D tho' we'll suppose *some* Purchaser to be fitly Qualified, and of *honest* Principles, yet by reason of this heavy Fine for his Admission, he lies under the daily Temptation of stretching the Duty of his Office, in raising his Fees to re-advance his Purchase-Money. By which means, too many Places, wherein the Honour of the Trust, with a moderate Sallary, would otherwise be an ample Gratification, are now become a perfect Mart of *Usury* and *Interest*; with this farther Inconvenience, That all the *Sub-ministers* and inferiour Officers, lying under their Masters Circumstances, being wholly sway'd by, Lucre and Profit are likewise exposed to the very same Temptations in their lower *Class* of Trust. And what is still more Calamitous, Their Misdemeanours and

Faults

Faults must be but very slenderly Inspected ; or at best but mildly Punisht, lest otherwise you strike at the Offenders Farm, I may say his *Fee-Simple*, his down-right *Purchase* and *Penniworth*.

THIS is deflouring the Virgin Purity of Justice, checking and curbing her in the Noblest Exercises of her Dominion, and administering a plausible Colour for defending Injustice, Bribery, Extortion and Oppression. But to double and treble the Value, to manage them for the best advantage to the Seller, and put him upon the Rack of Improvement too ; what is it but to bespeak the unftitest Men, either through want of Honesty or Experience, that can be met with to manage those Affairs and Places, in which Justice and Reason require the most Upright and Judicious Persons ?

BUT that the Deformity, as well as Iniquity of such an abominable Practice, may become more Odious, by being made more Visible and Conspicuous (tho' there are too many other Grievances in the Nation to be Lamented) for brevity sake we shall make some particular Remarks, and commence our Reflections from the Honourable City of *London*, the grand Pattern by whose Measures smaller Corporations are apt to make their Precedents.

UNEXPRESSIBLE are the daily Complaints and Mischiefs, that arise through the Excessive straining and advancing the exorbitant Fees of *Councillors, Attorneys, Clerks, Serjeants, Goalers*, and other Officers in this City, by reaon of the too frequent, malicious, and impertinent Actions, and general Corruption among them : Occasion'd chiefly by their being forced to *buy* their Places with Money, without regard

to Merit. For never any Man came into an Office by the Mediation of his Gold, but he was compell'd to exercise his Authority wickedly. He, that Buys must Sell, or he loses by the Bargain; which makes the Publick Offices to be like Briars, to which Sheep repairing for Shelter, must unavoidably be forced to part with some of their Fleece.

N O W to consider the Consequences, and those very pernicious ones, of such Purchase, we'll begin with the Serjeant, who at this time pays the Sheriff near 500*l.* for his Place: 'tis true, it has been at a far lower Rate, (as well as all other places) but the Prices rise as the World degenerates, and consequently Corruptions improve and increase.

W E L L, suppose here is 500*l.* given for a Place for Life, which at seven Years purchase, the customary value of a Life, buys 70*l.* *per Annum* in a dead Rent upon Land, where the Purchaser has no more to do, than receive his *Annual* Revenue as the Money becomes due. But in a Place or Office purchas'd, where there is constant Toil, Attendance, and Business to supply that Office, 'tis modestly Computed, That a Man Ought in all Reason and Equity to make double as much *per Annum* of his Money as in a lazy Annuity. So that for his 500*l.* a Serjeant seems to have a justifiable Pretension to get about 150*l.* a Year; a very round Income, for a Man that in his post, is sworn but a *Vartet*; an Income much larger than that of many an honest Gentleman of good Birth and Quality, with much a fairer *Blazon* in his Coat of Arms, than a Blood-sucking-Serjeant. This 150*l.* *per Annum* is 3*l.* a Week, about 10*s.* a Day; and how must the Serjeant raife this Money? If by taking only the now Cu-

Customeary Fees of his Office, as allow'd in Court, *viz.* Half a Crown for every Arrest, and no more, of which his *Yeoman*, who gives above 200*l.* for his Place, goes one Thirds snack with him; by consequence he must Arrest six Men every Day one with another all the Year round, to raise the Profits of his Purchase-Money, *viz.* 10*s.* *per Diem* for his own share.

B U T, supposing this *Serjeant* instead of six Arrests in one Day, does not make above six, and half six more in the whole Week, and a good Week's work too; How must the Money rise then? Instead of Half-Crowns from the poor *Prisoners*, here must be Half-Pounds, and whole Pounds too, extorted for *Civility-Money*, as they call it, and several other unreasonable Pretences and Demands, to make up the Sum.

A N D What, I pray, are the Consequences of these Pounds so extorted? Only this: The poor *Debtor* is so much the *Less* enabled to satisfy his *Creditors* just Debt it self; and all by such unwarrantable Extortions, from the *Serjeant* first, and then from the *Goaler* afterwards, not only to the intire Defrauding the Creditor, but many times to the utter Ruin of the poor Prisoner, that perishes in *Goal* under no other Load.

Who then (the Case thus fairly stated) lays all this Oppression upon a poor Debtor? The *Serjeant* and *Goalers*? No; But Mr. *Sheriff*, that sells them their Places: For they, good Men, do no more than raise the Effects and Perquisits, answerable to their own fair *Purchase-Penny*.

IF the common Right of *Meum* and *Tuum* thus manifestly suffers, by the Creditors want of his Legal Satisfaction, occasioned by these Arrest or Imprisonment Extortions ; Do the *Serjeant* and *Goaler* obstruct that Right ? Not in the least. Mr. *Sheriff* has borrowed a round Sum of Money of the *Serjeant* and *Yeoman* for their Admission, and their great *City Lords* and *Masters* possibly six times as much of the *Goalers* ; and therefore their Tallies and Loans must be satisfied first.

IF a poor Prisoner, through such extorted Sums, is reduced to Starving in *Goal*, are his *Catch-poles* and *Turnkeys* in Fault ? No, not they. For their *Head Office Jobbers*, their great *Sales-masters* have Squeez'd first, and 'tis their turn to Squeeze next. In fine, the Face of the Poor is *Ground*, but the *Serjeants*, *Jailors*, *Attorneys*, &c. only turn the *Grind-stone*, the *Grind-stone* it self is the Magistrate.

THE *Keepers Place* of Newgate was lately Sold for 3500*l.* Now upon such a prodigious Sum paid only for the *Head Tyrants* Jurisdiction of those Stone Walls, and Iron Grates ; considering likewise the numerous *Turn-keys*, *Sutlers*, and all his *Sub-Janizaries*, to be all Fed and Fatten'd also from the Fees of their lower Posts, what Annual Income must that one *Goal* raise, and how raise, to answer such a Sawcy Purchase ? Why truly thus :

FIRST, For the Criminal Prisoners :

IF a *Thief*, or *House-breaker* would get unloaded of so many pounds of Iron, or purchase a Sleeping-hole, a little free from Vermine, or with wholsome Air enough to keep his Lungs from being choak'd up ; he must

must raise those extravagant Sums to pay for it, as can no ways be furnish't but from Theft and Vice, supplied by his *Jades* or *Brother-Rogues* abroad, who must *Rob* or *Whore*, to support him even with the common Necessaries of Life. Nay, instead of employing their time in amendment of Life, and a Religious preparation for their Tryal, they are forced to Drink, Riot, and Game, to curry Favour with the Goaler, and support his Luxury.

THUS 'a *Goal* which should be a Check to Roguery and Wickednes, in a high measure, by it's Extortion and Oppression, Encourages it.

AND next, for the poor *Debtor* committed thither, (for 'tis the *County-Goal*) he receives much the like severe Treatment and Hardships : For Extortion and Oppression, like the Grave, make no Distinction.

NOW let us enquire by what Right the Magistrates sell that Keepers place, together with those of *Ludgate* and the *Compters*. 'Tis well known that those Places, as well as all others, were formerly given *Gratis*. Now, if they had then any Inherent power of Selling them, 'tis presumed that the *then* Magistrates were not so extravagantly Generous to part with such a considerable Feather in the *City Cap* for nothing, provided they had a Title to Sell. Then, as they took nothing, so we may reasonably presume they could Rightfully Demand nothing for them.

BY what pretension then does the *Chair* Demand it now ? We know of no Donation or Concession granted by Law to Entitle them to such a Sale. And without such a Donation, 'tis all but Encroachment, Iniquity,

Injustice and Usurpation, where there was no Original or Fundamental Claim to Warrant and Introduce their Pretensions : Nay it is expressly against the Commands of GOD, and the Laws of the Land, as is here made Appear.

NOW for the Effects of this Corruption, How often have the suffering Prisoners Reimonstrated against all this Cruelty, and petition'd the Magistracy for a Redress of their Grievances, and a Retrenchment of the Exorbitant Demands of a *Goal*? But all their Prayers have either never been heard, or never minded. For the Magistracy is Deaf to such a Work of Reformation, by reason his own Interest is concerned in the matter ; and therefore the Abuses and Oppressions of the *Goaler* (who not only repays himself, but acquires oft-times a great Estate to boot) are still Connived at.

HAVING been thus more particular in the *Goalers* and *Serjeants* Case, we shall leave the Reader himself to judge, what no less hard Measures we daily Groan under, without Relief, from *Councillors*, *Attorneys*, and *Clerks*, &c. in their Sphere of Law, when about 1500*l.* is paid for a *City-Council*, or *Attorneys* place (and divers other Officers) which by the same fore-mentioned Proportion of Annual Advantage, must raise near 500*l.* per *Annum* to ballance the excessive Price they pay for them. And tho' they live at very extrayagant Rates, yet if they enjoy their Places any considerable time, they leave great Estates behind them.

'TIS by this means that purchas'd Cruelty grows bold, and plumes it self in its Extortion, being not only Countenanced, but Justifyed by the Magistrate, who raises the Value of an unlawful Sale, because he finds

a numerous sort of People thriving and doing *well*, by living and doing *ill*. 'Tis Example that corrupts us all: For how commonly do the Under-Officers, *Goalers*, &c. excuse their Barbarity, and unreasonable Exactions, in alledging that they have no other way to make up the interest of their Purchase-Money? So that they are hereby forced to lay the whole design of their Advantage upon the Calamities of the Miserable; which inhumanity is too frequently conniv'd at by the Magistrate, suffering Justice to be over-ruled by the perswasion of many Golden Temptations. A Degenerate and Un-worthy Practice! quite contrary to the Office of a Good Magistrate, whose Duty and Glory consists in curbing the growth of Oppression, retrenching Exorbitances, and in Scaring away the *proud Flesh* of Rapine and Violence, and not in Selling Impunity to the Evil-Doer.

'T IS this alone that Steels and *Cafe-hardens* a *Goaler's* Conscience against all Pity and Remorse, giving him the Confidence to demand Extortionary Fees and rackt-Chamber-Rent from his Prisoners, or else crowding them into *Holes*, *Dungeons*, and *Common-sides*, (designedly made more Nasty, to Terrify the Prisoner, who for preservation of his Life is thereby forced to part with his Money; or) there to be Devoured by Famine and Diseases.

THIS makes him let his *Tap-Houses* at such prodigious Rates, that where poor People ought to have the Best and Cheapest, they have the worst in Quality, and Smallest in Quantity, at excessive Prices: Also Farming his Beds to meer *Harpies*, and his great Key to such pieces of Imperious Cruelty, as are the worst of Mankind, to the eternal Reproach of the City's Honour, and Scandal of the *Christian* Religion, while the bloated *Patron* himself, all the while, maintains his Family in

Pride, and an Imperious Wife, or perhaps Impudent *Mistress*, in Excess and Luxury, with what he has Unconscionably drained from the Ruin of the Unfortunate.

(But see, I pray, whither will not these Lewd, and Infamous Precedents at last lead us, when even the common Hang-man, encourag'd no doubt by these Examples, will scarcely give a *Malefactor* a cast of his Office without a Bribe, very Formally, forsooth, demanding his Fees, and *Higgling* too, as nicely with him, as if he was going to do him some mighty Favour ?

I will appeal now to the Tribunal of Justice it self, by what Law or what Authority, not claiming under the bad Title of illegal Custom, any *Sheriff*, who is the immediate *Goaler* himself, and ought (as we shall hereafter prove by reciting the Law) to receive the Prisoner *Gratis* into Custody, can so Unjustly presume to Sell the Deputation of any man's Liberty and Life to the controul of Sordid and Imperious Avarice ? I would fain know by what Surmise of Common Sense (and it wou'd be very hard, if Common Law and Common Sense should not agree) a Keeper of a Prison can Demand a Recompence or Fee of a Prisoner for detaining him in Prison.

THERE is an Admission-Fee, he Cries ; As if any person can deserve a Reward for opening the Door of Misery and Destruction to his Neighbour and common Friend : For being so Civil as to admit him into the horrid Grave and Abyss of Imprisonment.

THERE is a Dismission-Fee too : As if it were reasonable to Demand Money for letting him go, whom the Law has set free.

ABUNDANCE of such Absurdities must of necessity follow ; to which no Law of GOD or Man, nor no Sense or Reason, can afford the least shadow or pretext of Countenance, (nay they all forbid and condemn it) besides that unanswerable one before-mentioned, *viz.*
That the Officers buy their Places, and therefore 'tis Reasonable in them they should make the best of 'em.

BUT let that be once Remedied, and the whole *Babel* Superstructure, erected upon so abominable a Foundation, will soon tumble down, to the unspeakable Joy of all good Men, the infinite Honour of the City-Magistrates, the comfortable Relief of the Poor, and to the long desir'd Triumph and Restoration of banisht Justice and Charity.

NOW for a due Redress of all those crying Mischiefs, what could be more easily Reformed ?

FOR Instance, If the *Council, Attorney, Clerk, Serjeant, Goaler, &c.* had their places *Gratis*, the very Retrenchments of their exorbitant Fees, would be a Favour rather than Grievance ; for whilst the one keeps his Hundreds in his Pockets, and the other his Thousands, he is neither under the Temptation, nor want of Extortion. This *establisht* Fee would not only be enough for his Maintenance, but be infinitely more to his Ease and Satisfaction. For in this case he would lye under no Care, or Necessity to fetch up the large Sums given for his Place, which till Recover'd, are reckon'd as so much Bread taken out of his Childrens Mouths.

BESIDES, a moderate Perquisite in an Office that comes free from a kind Patron's Gift, is gratefully received, whilst on the contrary, there's no Thanks owing
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for a Purchase, tho' with never so large Profits. But above all, every Man would be then naturally careful of a Legal Discharge of his Trust, because he holds by the Tenure of a *Quam diu se bene gesserit*, viz. As long as he does Honestly demean himself: and lies liable to be turned out for Misdemeanours, when neither the Patron or Lord he holds from, would uphold him in In-justice, nor indeed could he himself Reasonably Complain of being punisht for it

AND Lastly, What could the *City* speak more Magnificent in *History*, than to bestow her Places upon good Men, some of her own Members, unfortunately fallen to Decay, who would Naturally be Content with the Lawful and Modest Gains of their Employments? — On the Contrary, what more Dishonourable than to sell her poor Citizens to be *Dilaniated* and *Macerated* by the hand of Injustice; and for Money to make *Slaughter-Houses* and *Shambles* of her Houses of Restraint, which were built at the *City's Charge*? For a City so fairly deckt with the Jewels of Freedom and Priviledge, to Sell the last Remains of Prisoner's Comfort? For in Seiling a *Goalers* place, &c. it Sells the Liberty, the Estate, the Person, nay the very Life of the Prisoner under his Jurisdiction: Seeing that through the cruelty of the *Prison-keepers*, such great numbers of poor People have been stript to their naked Skin, and when all was gone, have been Suffocated in *Holes* and *Dungeons*, to the losf of many of their Lives, Dishonour of our Nation, and Scandal of the *Christian Religion*.

FOR is it not, think ye, a goodly Sight, to behold the Tears of the poor, congealed by a Frost of neglected *Charity* and *Injustice* into a Pearl, glittering in

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the Ears of such or such a Lady ? To see the Scarlet of the Receiver's Magistracy dyed with the Blood of helpless Innocents, or the purchase of Extortion ? And to see some that ought to be the chief punishers of Iniquity, drinking Healths of forgetful Plenty in Hundred pound Goblets, the Price of their own Infamy.

ONE considerable Advantage that would follow the so much desir'd prevention of the Sale of Places is, That the *Civil Government* would not find her Offices so over-stock'd with her mortal and implacable Enemies, I mean such as in the *Late Reigns* employed their utmost Power in introducing upon the Nation an *Arbitrary* and *Tyrannic Sway* ; and since this Revolution have endeavoured to obstruct the Kingdoms true Interest and Welfare.

IS it not an indelible Reproach to the Government to see so many of her Offices now fill'd and supply'd with those *very Men*, who for several Years together, were throwing Dirt in her Face, and Ridiculing and Deriding the Constitution it self ? Neither have they yet (tho' employ'd by the Government) given any Evidence of their change of *Principles*, but retain still the same Sentiments and Inclination to serve their Old *Master*, (as they frequently call him) when a favourable Opportunity presents it's self on his behalf ! Is it possible to believe that these *Vipers*, thus every where croud themselves into places of Trust for any other purpose, but only to carry on the same Designs *Clandestinely*, which they found they had not Power enough to effect *Openly*? It is indeed their Master-piece of Policy ; and that which has done their *cursed Cause* more Service than all the *Strength*, and *Courage* of the *Faction* cou'd otherwise be ever able to accomplish. By this

means the King and Parliament's Endeavours have been so continually Disappointed, our Publick Undertakings Embarrass'd, our Councils Discover'd, and Designs Defeated. Thus does the Government indiscernably receive her Mortal Wound from the very Hand she Nouishes, who under the Hypocritical Mask of Serving her Interest, strikes her to the very Heart.

AND, in Fine, Tis by this Door only that all Men, of what~~ever~~ denomination, are admitted into a Government. And this Consideration is of greater Importance than most are aware of: For as it is a certain Inlet to unavoidable Dangers, which every prudent State wou'd endeavour to prevent; so it reflects on the Wisdom of our Government, to suffer the Safety of their Persons and the Peace and Happiness of the Subjects to be exposed to the Lust and Malice of every Rich and Villainous Purchaser.

ANOTHER Inconvenience that follows the Allowance of what's here Complain'd of, is; That not only many of the King's Enemies are let into places of Trust, but what is more deplorable, many of his real Friends are utterly lock'd out. There are several, even in this City, who have given such Instances of their Affection to His *Majesty*, and firm Adherence and Fidelity to the Constitution of the present Government, as cannot possibly fall under any Doubt or Question; who partly by other occasional Accidents, are reduced almost to Insupportable Necessities. Now is it not Inhumane, as well as Unreasonable, to suffer so many Honest, Well-affected Persons to Starve for want of Employment (who wou'd be glad to accept of any of the meanest Offices for a meer Lively-hood and Subsistence) only because their Pockets are not large enough to purchase that,

that, to which their Vertues and Abilities had before given them an unquestionable Right and Claim ? Is not this sufficient to discourage any Man from deserving well of a Government, which makes no *distinction* between her *Friends and Enemies*, but indifferently Sells her *Favours* to the fairest *Chap-man* ?

THE prodigious Multiplication of Officers also is no inconsiderable Grievance of the Publick, and the natural result of corrupt Practice of Selling of Offices. For when the *Superior* have once tasted the Sweets of this sort of Dealing, they are easily induced to believe, that Busines may better be dispatch'd by more Hands, and so unnecessary Officers are trump'd up, as often as they have Occasion to give a Portion with a Daughter, or Match a Son, or want to make up a Sum, to purchase the remaining part perhaps of a poor Clients Estate, after the former has been spent in *Council's* Fees, and paying the extravagant and exacted Fees, and Charges of their several Courts and Offices.

AND by this means all the numerous Officers belonging to and depending on the Law, who were at first no doubt designed for the Service of the Public, in the Administration of Justice, and the defence of the Rights and Liberties of the People, are now by this Lewd Toleration of the Buying and Selling of Places, become so desperately Wicked, that they seem to be joyn'd in Unanimous and direct Conspiracy to Rob and Defraud the rest of Mankind, and Violate all the Rules of Justice and good Policy.

But tho' we have been so Earnest and Vehement in pleading the Cause of the poor oppressed *Prisoners &c.* Yet let us not altogether pass by, without some just Re-

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fections, the heinous Injustice that is every day done to the Poor, and helpless People at *Liberty*.

THERE is one Remark that we have made, that very well deserves the most serious and solemn Consideration of the Magistracy, of the Honourable City of *London*: It is this. Before this City was so miserably over-spread with Corruption and Covetousness, it was a Custom no less Honourable in it's Institution, than extremely Useful and Christian in it's end, for the Two and Fifty Companies, to have their particular Granaries where they us'd to store up great Quantities of Sea-Coal, and Thousands of Quarters of Corn, which was bought with the Charity of those who were brought upon the Livery, the Company at the same time giving them a Receipt with Promise, that if ever they shou'd be reduced to Want, they shou'd have the value of the Money laid down in Corn and Coals *Gratis*; which Fund was mightily advanced by many dying Persons Bequests and Legacies, and the Fines of *Aldermen*, *Sheriffs*, *Livery-Men*, and others (which Annually amounted to vast Sums.)

THIS was of infinite Advantage to the whole City both Rich and Poor: For buying these Commodities when Cheapest, and going to Market with ready Money, they were Obliged in times of Scarcity to sell 'em out to the Poor at a very moderate Price. Which commendable Practice has been for several Years Discontinu'd to the unspeakable Prejudice and Disservice of the Poor, many of whom by neglect of so good a Custom, are reduc'd even to Starving in Winter, and times of Scarcity, yet the said Money is still Exacted, as due by Law, and converted to other Uses.

THE inexpressible Advantage uable and never to be forgotten Custom is further Evidenced, in the frequent scarcity of Corn; For, since the City and Suburbs have near doubly increased the number of Inhabitants; and the Corn now coming into the Hands of of a very few Factors, and several Notorious Hucksters, most of 'em Joseph's Brethren, there being in all rarely a Month's (and sometimes not a Weeks) Store in London: So that upon contrary Winds, Frosts, want of Convoys, or any other true or pretended Reasons, they unjustly raise the Market upon the Poor, on purpose to improve their own Profit, altho' there be enough in the Nation; an Inconvenience the City seldom suffer'd under in those charitable Times, when the above-mention'd custom was duly observ'd and practic'd.

THE same may be affirmed in the case of Coals, &c. And this as well as the other was an Advantage likewise to the Sellers, who were under no Apprehension of having their Goods lye upon their Hands, because they were sure to come to a certain, tho' not always an equal Market, which kept the Plough continually going, and the Colliers Ships Sailing, to the vast Improvement of Navigation, and the general Satisfaction of the Nation.

AND this Contagion, like the fretting Leprosie, has spread it self over all the petty Corporations and Companies in this City, where they dayly exact extravagant Sums of Money from the toe Subject, taking sometimes Sixteen, Twenty, Thirty and Forty shillings; and often-times much more, for the admittance of every Free-Man, whereas by the Stat. of 22. H. 8. cap. 4° They are to receive but 3s. 4d. for the Entry of a Free-man, and 2s. 6d. for the Entry of an Apprentice,

BUT

BUT ~~win~~ worse and grievous, are the Arbitrary and prodigious Fines, of 15, 20, and 30*l.* more or less, which they squeeze out of their Members, for coming on the *Livery*, and for places of *Stewards*, *Assistants*, *Master-Wardens*, and divers other Offices, to the intollerable Oppression of poor Citizens, and to their utter Ruin: Contrary to those most Antient and Excellent Laws of *De Pallatio non Concedendo*, the Petition of Right, &c. intended for the great Bulwarks and Barriers of the Liberties and Properties of the People of England.

THIS Corruption is likewise crept into lesser Societies, even into the *Parishes* were the *Parsons*, *Church-Wardens*, *Overseers* and the rest of those *Parochial* Officers exercise the greatest Injustice imaginable, in taking Excessive and Arbitrary Sums of Money for Burying in *Churches* and *Church-Yards*; and for *Christnings* and *Marriages*; and also in Taxing and Exacting Money on pretence of Relieving the Poor, with a true design at the same time, to expend it in Luxury, &c. and forget the Miseries of their afflicted Neighbours.

A Kin to these Iniquities is that of the City's Farming out the Markets at 360*l.* a Year, whilst the Farmers have made the Burden intollerable to the People by Extortion and Oppression; and most Unconscionably swell'd the Income to above 1000*l.* a Year, as has lately been fully prov'd against them at the Instance and Pains of divers Well-affected Citizens. Thus is the Right and Interest of the Poor and Needy, Farm'd out to a parcel of Unmerciful *Harpies*, and *Vultures*, the inhumane Ministers of Cruelty and Violence.

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THE Case of the *Orphans* also ought not to be pass'd over in Silence. We question whether there has yet been Repentance enough Testify'd, sufficient Restoration made, to clear them from the Guilt of such horrible Injustice. We shall but just touch the point, because it is so well known already. Was it not Scandalous, as well as abominably Sinful, and Injurious, for the City to assume a Right to force the Estates of deceased Citizens into their own Hands, as Guardian to the poor *Orphans* and others: And when they had got about 700000l. into their Custody and Clutches, Unrighteously refused to pay the Moneys where they became Due, to the utter *Ruin* of great numbers of distressed Children (great part of whom have been forced to take Extravagant Courses to maintain themselves, having been necessitated to Sell their Estates to men of Money at very small and inconsiderable Rates) They afterwards pretending to make Atonement, by procuring an Act of Parliament (as is well known) to Levy a Tax upon all the Personal Estates in *London* for ever? We pray GOD they may Repent and find Mercy.

IT is not that we are Ignorant of the Abuses committed in several other Offices throughout the Kingdom, that we have principally confin'd our selves to represent the Mis-management of some of those in the City of *London*, but only to avoid the being too *Voluminous*: These few Papers would have swell'd into many Folio's if particular Notice had been taken of all the *Corruptions* and *Miscarriages* under which the *Nation* Groans; and by which our *Public Affairs* have so miserably Suffered, and been so treacherously Defeated.

BESIDES, our Tenderness in *Launching* out further into these *troubl'd Waters*, has been directed by this

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Consideration, that the Gentlemen in Places and Offices not here mentioned, (who have by their *Sinister Practices* prejudiced the *Interest*, or obstructed the Happiness of the present *Settlement*) may, by *contemplating* the Deformity and civil Attendances of the City Exorbitant *Corruptions*, be timely made sensible of their Sin, and endeavour to make some Reparation for the *Injuries* they have done the Kingdom, as an *Atonement* and *Expiation* of their *crying Guilt*.

THUS I think we have made it undeniably Apparent from what *Grounds* our Calamities and Mischiefs have sprung, and by what *Means* they have continued their daily Progress to that fatal heighth, we now so justly complain of, and which requires all the Application of the Wisdom and Power of the *Government* to Restrain and Remedy. 'Tis by Virtue of this *Golden Key* alone, or the *Favours* of *unjust Partiality*, that little or no Regard has been had to *Industry* and *Merit*. That the *Halt* and *Blind*, and what is worse, oftentimes the *Malicious* have been let into the Knowledge and Management of our *Public Affairs*, whilst the *Able* and *Honest*, for want of that powerful *Charm*, are shamefully Excluded and Contemned.

THIS Sale of Offices is a Practice so Infamous that it has been Condemn'd and Detested by the best Men, and best *Governments* in all Ages, as a cursed *Omen* foreboding the certain and *inevitable Destruction* of that State, where it has been in the least Tolerated, and Coniv'd at. 'Tis a shackling Justice her self, a direct *Usurpation* upon the Native and Incontestable Rights of *Mankind*, and giving a publick License for the exercise of *Extortion* and *Bribery*.

IF we at all valu'd our selves as Christians (but that great Name is to much become a meer *Cant* or Term of Art to flatter our selves, and impose upon the Credulous) our Holy Religion wou'd sufficiently inform us of the Sinfulnes, and Danger of this abominable Practice. What dreadful Judgements has the GOD of Impartial Injustice thunder'd out against the Sale of *Public Justice*, or it's Dependencies? What excessive and astonishing Penalties has he Threatned upon all manner of Extortion? Nay, so Severe are the terrible Denuntiations of his Wrath, pour'd out upon all that shall dare to Suffer or Encourage it, as are able to stagger and confound the Confidence of the most hardened Sinner, but his who lies under the Curse of Final and Incorrigible *Unbelief*.

THE very Heathens themselves abhorrd the Connivance, and Countenance of such base and unworthy Proceedings: They thought it a Degree below the Dignity of Humane Nature, to descend to the contemptible practice of taking *Bribes*, and selling Licenses to *Iniquity*. We find these two *Maxims*, like two *Golden Pillars*, supporting the most Flourishing and Victorious Cities in the World, which *Aristotle* has not been a little Industrious to maintain, viz. That the Sale of Offices is the greatest *Wrong*, and *Affront* that can be Offer'd to a Common-Wealth. And that Money ought not to buy those Places, which may, nay, ought to be the Reward of Virtue; and are the fittest means to Supply the Necessities of good Men. The Sale of Offices in the Meridian and Glory of the *Athenian* Government, (where Arts and Arms equally Flourished to the Delight and Satisfaction of all the World) was strictly Forbidden, and continually Declaim'd against. The *Lacedemonians*, a People the most obstinately Virtuous of all the other Cities of *Greece*, utterly exploded it, as a Practice

ctice altogether inconsistent with their strict Morals, and destructive of the Fundamental Rules of their *Policy*: And I hardly believe there was ever a Human Government better Founded than that of *Sparta*. The *Roman Empire* when it seem'd to be in it's greatest Beauty, and most happy Condition, severely Fin'd and Punisht those, who sought Offices Unjustly, by Bribery, &c. And 'tis Remarkable, that She then first foster'd *Dissension*, and laid Foundations for her after *Ruin* and *Calamities*, when she brook'd so patiently the *Sarcastic Scorn* of *Jugurth*, *That all things at Rome are to be had for Money*. 'Twas then that *Rome* became so Enfeebled by her daily Corruptions, that she whose Vertues had made her *Mistress of the World*, had not power enough left to Conquer her self; nor cou'd she hinder her own Streets from being the Stage, whereon so many dismal Tragedies of intestine Discord were acted. Their *Historians* assign the Reason, viz. *They made Justice a Pimp to Covetousness, and Virtue a Stalking-horse to Extortion*. Yet there was not any other City in the World, more Jealous of her Honour in this Point than *Rome*, or more careful to relieve the Poverty of her Citizens; of which, in the times of her Innocency she had many. And what other Fate can *London* &c. expect, if you Dam up the Current of her *Meum* and *Tuum*? If she thus continue Selling of Justice, her Sun-shine and Splendor will soon be Ecclips'd. In short, unavoidable Ruin, is an inseparable Subsequent of Antecedent Unrighteousnes.

IT is very Observable what is Reported of the *Persian Cambyses*, how he Flead one of his Judges for Bribery. Certainly it had been a very unjust Punishment, if he had first Sold him his Place, much more if he had Farm'd it to him at a Rackt Rent; can we believe that this Judge's Son would have been willing to pay an ex-
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acted sum to sit upon his Fathers Skin? Which however he was forced to receive for his Cushion, (being preferr'd to his Father's Seat upon the *Bench*) in Order to Terrify him from the like Offence: which the King very honestly told him wou'd deserve the same Punishment. This Instance is enough to convince us of the Necessity of a universal and equal Administration of Justice, since even the *Persians* themselves, one of the most Delicate and Effeminate Nations in the World, found the due Execution thereof, so essentially requisite to the Preservation of the *public* Peace, that they thought no Punishment too Severe for the Transgression of so inviolable a Law, upon which the Welfare of all Government depends.

I N Fine, there neither are, nor have been any Nations so Barbarous, nor any Conjunctions or united Bodies of Men so Inhumane, who, tho' they have exercised all manner of Violence and Oppression towards their Neighbours, or their Enemies, have not at the same time establish'd and required an exact Observation of Justice among themselves, as Fundamentally necessary for the maintaining the true Interest of their own Community.

B U T our Antient *English* Law-makers seem to have a deeper Apprehension of the Necessity of this Truth than any others; and by those Noble and never be forgotten Laws they have left us, one wou'd think they had a Prophetic Respect to the Degeneracy of the present times; particularly in Relation to the Grievances, against which this Discourse is design'd, as abundantly appears from the Instances and Citations immediately annex'd.

This

*This Act was made Anno 5, 6. Edw. VI.
Cap. 16. Against the Sale of Offices.*

The Penalty for Buying or Selling of some sort of Offices for the avoiding of Corruption which may hereafter happen to be in the Officer and Ministers in those Courts, Places or Rooms, wherein there is requisite to be had the true Administration of Justice, or Services of Trust: And to the intent that Persons Worthy and Meet be advanced to the Place where Justice is to be Ministr'd, or any Service of Trust executed, should hereafter be preferred to the same, and no other.

Be it therefore Enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That if any Person or Persons at any time hereafter, Bargain or Sell any Office or Offices, or Deputation of any Office or Offices, or any Part or Parcel of any of them, or receive, have, or take any Money or Fee, Reward, or any other Profit, directly or indirectly, or take any Promise, Agreement, Covenant, Bond, or any Assurance, to receive or have any Money, Fee, Reward, or other Profit, directly or indirectly, for any Office or Offices, or for the Deputation of any Office or Offices, or any part of them, or to the intent that any Person should have, exercise or enjoy any Office or Offices, or the Deputation of any Office or Offices,

or

or any part of any of them, which Office or Offices, or any part or parcel of them, shall in any wise touch or concern the Administration or Execution of Justice, or the Receipt, Comptrolment or Payment of any of the Kings Highness Treasure, Money, Rent, Revenue, Account, Aulneage, Auditorship, or Surveying of any of the Kings Majesties Honors, Castles, Mannors, Lands, Tenements, Woods, or Hereditaments; or any the Kings Majesties Customs, or any Administration or necessary Attendance to be had, done, or executed, in any of the Kings Majesties Custom-House or Houses, the keeping of any of the Kings Majesties Towns, Castles, or Fortresses, being used, occupied or appointed for a Place of Strength or Defence, or which shall concern or touch any *Clerkship* to be occupied in any manner of *Court of Record*, wherein *Justice* is to be Ministered: That then all and every such Person and Persons that shall so *Bargain* or *Sell* any of the said Office or Offices, *Deputation* or *Deputations*, or that shall take any *Money*, *Fee*, *Reward*, or *Profit*, for any of the said Office or Offices, *Deputation* or *Deputations* of any of the said Offices, or any part of any of them, or that shall take any *Promise*, *Covenant*, *Bond* or *Assurance* for any *Money*, *Reward*, or *Profit*, to be given for any of the said Offices, *Deputation* or *Deputations* of any of the said Office or Offices, or any part of any of them, shall not only lose and forfeit all his and their

Right, Interest and Estate, which such Person or Persons shall then have, of, in, or to any of the said Office or Offices, *Deputation or Deputations*, or any part of any of them, or of, in, or to the *Gift or Nomination* of any of the said Office or Offices, *Deputation or Deputations*, for the which Office or Offices, or for the *Deputation or Deputations* of which Office or Offices, or for any part of any of them, any such Person or Persons shall so make any *Bargain or Sale*, or take or receive any *Sum of Money, Fee, Reward or Profit*; or any promise, or *Covenant or Assurance* to have or receive any *Fee, Reward, Money or Profit*: But also that all and every such Persons, that shall give or pay any *Sum of Money, Reward or Fee*; or shall make any *Promise, Agreement, Bond or Assurance* for any of the said *Offices*, or for the *Deputation or Deputations* of any of the said *Office or Offices*, or any part of any of them, shall immediately by and upon the same *Fee, Money, or Reward given or paid, or upon any such Promise, Covenant Bond or Agreement, had or made for any Fee, Sum of Money, or Reward to be paid*, as is aforesaid, be adjudged a disabled Person in the Law to all intents and purposes, *to have, occupy or enjoy the said Office or Offices, Deputation or Deputations or any part of any of them, for the* *Cook, lib. 12.* *which such Person or Persons shall so give or pay any Sum of Money, Fee or Reward, or make*

make any Promise, Covenant, Bond or other Assurance, to give or pay any Sum of Money, Fee or Reward.

And be it also Enacted by the Authority aforesaid, That all and every such Bargains, Sales, Promises, Bonds, Agreements, Covenants and Assurances as before Specified ; shall be void, to and against Him and Them, by whom any such Bargain, Sale, Bond, Promise, Covenant and Assurance shall be had or made.

Cook. Rep. Lib. 12. 78. Hill. 8. Jac.

IN this very Term the Case of Dr. Trevor, who was Chancellour of a Bishop in *Wales*, it was resolved that the Office of a Chancellour and Register, &c. in the Ecclesiastical Courts, are within the Statute 5 *Edw.* 6. Cap. 16. The Words of which Statute are, *Any Office, &c. which shall in any wise touch or concern the Administration or Execution of Justice;* and the Words are strongly Pen'd against Corruption of Officers, for they are, *Which shall in any wise touch or concern the Administration,* &c.

&c. And the Preamble; And for avoiding of Corruption, which may hereafter happen to be in the Officers and Ministers of those Courts, Places, and Rooms, wherein there is requisite to be had the true Administration of Justice, in Service of Trust: And to the Intent that Persons worthy and meet to be advanced to the Places where Justice is to be Ministered, in any Service of Trust to be Executed, shall be prefered to the same, and none other. Which Act being made for avoiding of Corruption in Officers, &c. and for the Advancement of Persons more Worthy and sufficient for to Execute the said Offices, by which Justice and Right shall be also advanced, shall be Expounded most benificially to suppress Corruption. And in as much as the Law allows Ecclesiastical Courts to proceed in Case of Blasphemy, Heresie, Schism, Incontinence, &c. And the Loyalties of Matrimonies,

of Divorce, of the Right of Tithes, Probate of Wills, granting of Administrations, &c. And that from these proceedings depend not only the Salvation of Souls, but also the Legitimation of Issues, &c.

And that no Debt or Duty can be recovered by Executors, or Administrators, without Probate of Testaments, or Letters of Administrations, and other things of great consequence; It is most reason that Officers which concern the Administration and Execution of Justice in these Points, which concern the Salvation of Souls, and the other matters aforesaid, shall be within this Statute, than Officers which concern the Administration or Execution of Justice in Temporal matters; for this, that Corruption of Offices in the said Spiritual and Ecclesiastical Causes is more dangerous than the Officers in

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Temporal Causes; for the Temporal Judge commits the Party Convict to the Goaler, but the Spiritual Judge commits the Person Excommunicate to the Devil. Also those Officers do not only touch and concern the Administration of Justice, &c. But also are Services of great Trust, for this, that the principal End of their proceedings is, *Pro Salute Animarum*, &c. And there is no Exceptors or Proviso in the Statute for them.

It was resolved that such Offices were within the Purview of the said Statute.

Here follows the Duty of a Goaler to his Prisoners, with his and other Officers Fees due by Law.

By the Common Law we find, as *Bracton Lib: 3. fol. 105.* *Goalers are ordained to hold Prisoners, not to punish them.* For Imprisonment by the Law is (neither ought to be) no more than a bare restraint of Liberty, without those illegal and unjust Distinctions of close and open Prison (as is usual.) See *Stamp: Pla. Cor. fol. 70.*

Therefore *Cook* in his *3 Inst. 91.* saith, *That if the Goaler keep the Prisoners more streightly then he ought of Right, whereof the Prisoner dieth, this is Felony in the Goaler by the Common*

mon Law. And this is the Cause, That if a Prisoner dye in Prison, the Coroner ought to sit upon him. See also the said Cook, Fol. Flet.lib.1.c.25 3.4. cap. Petty-Treason; how Prisoners are to be used, wherein is also an account of an Indictment of a Goaler for evil usage of his Prisoner, fol. 35. in Trin. 7. E. 3. cor. Rege rot. 44.- That whereas one R. B. of T. was taken and detained in the 1E. 3. cap. 7. Prison of Lincoln Castle, for a certain Debt of Statute-Merchant, in the Custody of T. B. Constable of the Castle L. aforesaid ; That the said T. B. put the said R. into the Common Goal amongst Thieves in a filthy Prison, contrary to the form of the Statute &c. and there detained him till he had paid him a Fine of 40s. Whereupon Cook makes this Observation, So as hereby it appeareth, where the Law requireth that a Prisoner should be kept in safe and sure Custody, yet that must be without any Pain or Torment to the Prisoner.

So Co. 3. Inst. 52. saith, If a Prisoner by Duress, that is, hard usage of the Goaler, cometh to untimely Death, this is Murther in the Goaler ; and in the Law implieth Malice, in respect of the Cruelty.

Horn, in the Mirror of Justice, p. 288. saith, That it is an Abusion of the Law, that Prisoners are put into Irons, or other Pain, before they are Attainted. See also Cook. 3. Inst. 34. 35. And Horn also p. 34, 36. reckons the starving of Prisoners by Famine, to be among the Crimes of Homicide in a Goaler. Vox plebis, part 1. f. 55, 56.

Which also Cook in his 3. Inst. chap. 29. Tit. Felony in Goalers by Duress of Imprisonment, &c. by Statute and by the Common Law, Fol. 91.

And next, let us see what the Law saith for the Fees due to Goalers. The Mirror of Justice, pag. 288. tells us, That it is an Abusion of the Law, that Prisoners, or others for them, pay any thing for their Entries into the Goal, or for their Going out : This is the Common Law, there is no Fee due to them by the Common Law. See what the Statutes say. The Statute of Westm. 1. cap. 26. saith, That no Sheriff, or other Minister of the King, shall take Reward for doing their Offices, but what they take of the King, if they do, they shall Suffer double to the Party aggrieved, and be Punished at the Will of the King. Under this Word, Minister of the King, are included, all Escheators, Coroners, Goalers, &c. as Cook 2. Inst. fol. 209. affirms : And agreeable is Stampf. pl. Coron. 49. Nay by the Statute of 4. E. 3. cap. 1. Goalers are to receive Thieves and Fellons, taking nothing by way of Fees for the Receipt of them. So odious is this Extortion of Goalers that very Thieves & Fellons are exempt from payment of Fees.

And we find in our Law-Books, That no Fees are due to any Officer, Goaler, or Minister of Justice, but only those which are given by Act of Parliament, for if a Goaler will prescribe for any Fees, the Prescription is void, because against this Act of Parliament, made 3 E. 1. being an Act made within time of Memory, and takes away all manner of pretended Fees before; and we are sure none can be raised by colour of Prescription since: And therefore we find by the Books of 8. E. 4. fol. 18. *That a Marshal or Goaler cannot detain any Prisoner after his discharge from the Court, but only for the Fees of the Court,* (the Court being not barred by this Statute of Westm. 1. aforementioned) *and if he do, he may be Indicted for Extortion.* And agreeable to this is the Book of 21 F. 7. Fol. 16. where amongst other things it's held for Law, *That if a Goaler or Guardian of a Prison, takes his Prisoner's proper Garment, Cloak, or Money from him, it is a Trespass, and the Goaler shall be answerable for it:* So that we may undeniably conclude, That there is no Fee at all due to any Goaler or Guardian of a Prison from the Prisoner, but what is due unto him by special Act of Parliament. And if a Goaler or Guardian of a Prison, shall take any thing as a Fee of his Prisoner, he may and ought to be *Indicted of Extortion*, and upon Conviction to be removed from his Office; and if his Prisoner, by Constraint, Menace, or Duress, be enforced to give him Money, he may recover that Money against the Goaler again, in an Action of the Case at Common Law.

Item, The King considering the great Perjury,
Stat. 23. H. 6. Extortion, and Oppression, which be and have been
Chap. 10. in this Realm, by his Sheriffs, Under-Sheriffs, and
their Clerks, Bailiffs, and Keepers of Prisons, &c.
Stat. 4. H. 4. 5. hath Ordained by Authority aforesaid, in eschewing
Rast. Predict. fol. 318. all such Extortion, Perjury, and Oppression, That
no Sheriff shall let to Farm in any manner his Coun-
ty, nor any of his Bayliwicks. Nor that any of the
Cook Predict. 365. said Officers and Ministers, by occasion, or under
21 H. 7. fol. 16. colour of their Office, shall take any other thing by
them, nor by any other person to their use, profit,
or avail, of any person by them or any of them to be Arrested or
Attached, for the omitting of any Arrest or Attachment to be
made by their Body, or of any person by them, or any of them,
(by force or colour of their Office Arrested or Attached, for Fine,
Fee, Suit of Prison, Main-prize, letting to Bail, or shewing any Ease or

Favour

(37)

Favour, (to any such Person Arrested or to be Attached) for their Reward or Profit ; but such as follow, That is to say, For the Sheriff 2*d.* The Officer which maketh the Arrest or Attachment 4*d.* And the Goaler of the Prison, if he be committed to Ward, 4*d.* — And that all Sheriffs, *Rast, predict. fol. 371* Bailiffs, Goalers, or any other Officer or Ministers, which do contrary to this Ordinance in any point of the same, shall lose to the Party in this behalf indammaged or grieved, his *Sat. 21 Ed. 3.* treble Damages, and shall forfeit the Sum of 4*l.* for every such Offence, the one Moiety to the King, the other to the Prosecutor, to be recovered at Common Law, in either of the Courts of *King's-Bench*, or *Common-Pleas* at *Westminster*.

This is a perfect Account of the Goalers Fees in all Cases, where Persons are laid in Prison upon Civil Matters and Causes, which Fee of 4*d.* is more then any other Statute or Law allows them to take from their Prisoners : But in such Cases where the King is Party, its Established, *That the Prisoners in all the King's Prisons, should be maintain'd at the King's Charge, and out of the Kings Revenues, according to the Old Law of the Land* : Much less to have Money extorted from him by the Goaler. But look into the Prisons in and about the City of *London*, what horrible Oppressions, Extortions and Cruelties, are exercised upon the Free-born People of *England*, yea in most Prisons throughout this Kingdom?

So that by the Laws of the Land it appears, that those who Sell, or take any manner of Reward for any publick Office or Place, or those who do receive any greater Fee than therein is express, have no more Property, Right or Interest to do it, than the Pirate has to the peaceable Merchant's Ship, a Robber to the innocent Traveller's Purse, or the Wolf to the blood of the harmless Lamb.

THUS we have traced our *Distempers* to their very Spring and Original. We have shown you the Danger of our present Condition, the true cause from whence it arose, and prescribed an effectual Remedy against it for the future. It is the Magistrate's Duty now to accomplish and perfect the Cure. I confess, a great deal of Resolution is requisite to make a thorough Reformation, and stop all those bleeding Wounds, thro' which the Government is insensibly breathing

ing out its very Life. Yet we are willing to assume more than an ordinary Confidence of the good success of this Undertaking, considering that our great *Senate*, to their immortal Glory, in their last *Address* to His *Majesty*, have so eminently signalized their vigorous Zeal, and unshaken Resolution, of Reducing not only our own, but the Grand Enemy of *Europe*, to Reason. I am perswaded that no one Thing can contribute more to the Accomplishment of so Glorious a Design, than a timely and general Redress of the *Grievances* here Exposed and Complain'd of. How chearfully wou'd the People of *England* receive the News of the *Parliaments* going about a work of this Nature, in relieving them from an Oppression, under the weight of which, every *Individual*, at one time or other, has more or less Suffer'd? This wou'd not only enlarge their *Hearts*, but make their *Purses* too more free and open, in furnishing the Necessary Supplies which His *Majesties* Affairs at this time so earnestly require.

It must indeed be acknowledged, That (thro' the Negligence or Remisness of the Magistrates) an evil *Custom* may sometimes obtain, and fix it self so firm in the Interest or Opinion of the People, that there shall be les danger in Conniving at it, than in Endeavoring to Suppress it. But then it must not be such as directly and designedly aims at the very Being of Government it self, as This do's which we now so justly Regret. In short, the Redress of this fatal Calamity can offend none, but such contemptible Creatures whom 'tis more Honourable and Safe to Distaste than Oblige; and sure it can reflect no Blemish upon a Government to say, *They have taken away from Villains, the very Means and Temptation of being Unjust and Dishonest.*

But as the Easing of Oppression, and Unloading the Shoulders of the *Poor*, is the main Argument of this Treatise, so to push on the great Cause before us yet a little further; The *Author* hereof Declares, he is ready to Demonstrate

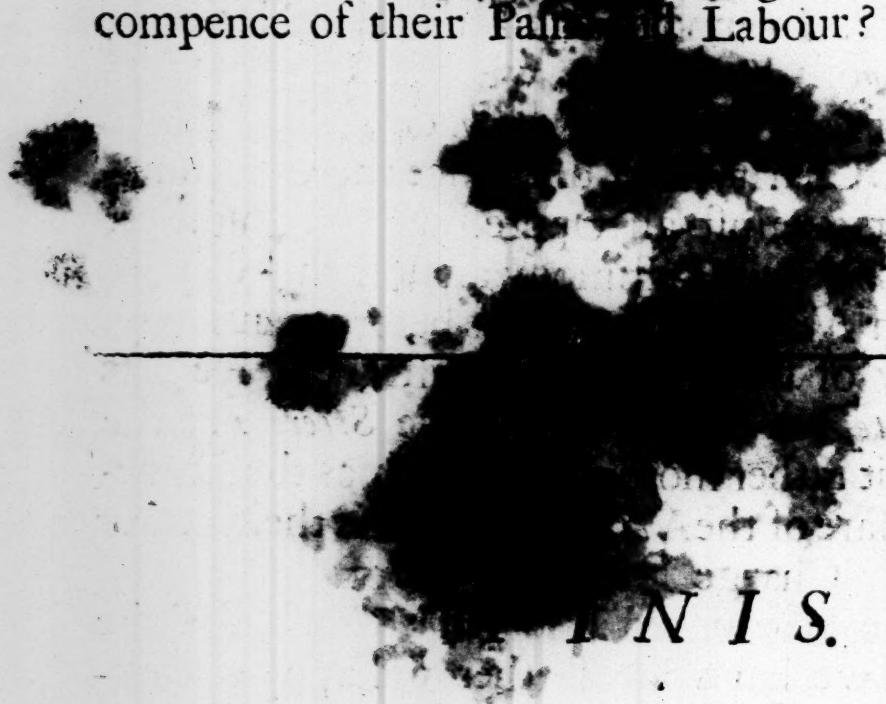
monstrate those reasonable Methods for Employing all the necessitous Poor, and likewise for encouraging many Thousands of *Idle Persons* to set themselves to Work, tho' they are not reduced to the Necessity of the former; which will be of such public Service, and general Advantage, that even the Profits of their Labours and Industry, shall more than Advance the whole *Taxes* now raised; with several other useful Proposals, abundantly conducing to the Benefit of Trade, *Improvement* of Navigation, *Increase* of Seamen, &c. Which, too long to be here set down, wou'd require a Treatise of it self.

Now to Conclude, I cannot but a little take Notice of the great Neglect of the ~~P~~^{Power}, when those Spiritual Pilots at the *Helm* of *Religion*, ~~P~~^{Preach}, or at least ought to Preach Universal *Charity*, and denounce the Comminations and Judgments against all Oppression and Injustice, have not publicly bore their Testimony against this Crying Sin, in the particular *Nation* before mentioned. Nor does the Duty of this ~~P~~^{Power} less upon the Great *Statesmen* of ~~P~~^{the Nation}, than the Steerers at the Temporal *Helm*, but rather more, by ~~P~~^{which}, as the immediate Care and Welfare of the *Nation* is their nearer and more particular Charge and Concern.

But if all we have here urged in so just a Cause, shall be utterly Neglected, we have one farther unhappy circumstance to add to these deplorable Calamities now Threatning us, which is, That *Oppression* and *Extortion* will receive an Encouragement even from these very Papers, when the Cry of Justice *Unhear'd* and *Unredress'd*, will but harden their Iniquity; whilst their *Impunity*, like an *Ignoramus* to a Capital Indictment, will be look'd upon as their *Justification*.

And then what assurance can we possibly have of enjoying our Rights, Liberties, and Estates safe from the Invasion of Ravenous and Mercenary Extortioners, who make

no scruple of turning *Butchers* to the Peoples Priviledges, and Conspirators against their Rights and Properties? Or, What prospect can we flatter our selves with, of bringing our *National* Endeavours to a successful Conclusion, while Judgment is turned back, Justice stands afar off, our Antient and Fundamental Laws of *Mercy*, as well as the express Commands of GOD, are turn'd into a Shadow; and Those who woud reclaim these Evils, (in order to avert the just Judgment and Indignation of GOD, ready to break out against us) only draw on Themselves the Frowns and Displeasure of a enraged Violence, as a Recompence of their Patient Labour?



ANIS.

